



**CITY OF LODI
COUNCIL COMMUNICATION**

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AGENDA TITLE: Approval of Expenses Incurred by Outside Counsel/Consultants Relative to the Environmental Abatement Program Litigation and Various Other Cases being Handled by Outside Counsel (\$131,276.78).

MEETING DATE: September, 5, 2007 City Council Meeting

PREPARED BY: City Attorney's Office

RECOMMENDED ACTION: That the City Council approve for payment expenses incurred by outside Counsel/Consultants related to the Environmental Abatement Litigation in the total amount of \$128,412.63, and various other cases being handled by Outside Counsel in the amount of \$2,864.15.

BACKGROUND INFORMATION: Listed below are invoices from the City's outside counsel, Folger, Levin & Kahn; Kronick, Moskovitz, Tiedemann & Girard; and Miscellaneous Invoices for services incurred relative to the Environmental Abatement Program litigation, and various other matters that are currently outstanding and need to be considered for payment.

Folger Levin & Kahn - Invoices Distribution				Water Acct.
Matter No.	Invoice No.	Date	Description	Amount
8002	103583	Jul-07	People v M&P Investments	4,773.99
8003	103591	Jul-07	Hartford Insurance Coverage Litigation	213,894.04
			Credit for June Client Charges for overpayment of Costs on Inv.#102108	(1,730.09)
			Contingency Fee Amount Savings	(162,163.95)
8008	103584	Jul-07	City of Lodi v. Envision Law Group	26,447.67
	270707a	7/27/07	Dr. Jim A. Field, Expert	11,775.00
		8/3/07	George Tchobanoglous, Ph.D.	9,312.30
	6934	5/31/07	West Environmental Services(Krasnoff	5,440.76
	7117	7/31/07	West Environmental Services(Krasnoff	2,827.50
	278302	8/2/07	GeoTrans, Inc. (Jim Mercer)	1,861.00
Total				\$112,438.22

APPROVED:


Blair King, City Manager

Kronick Moskovitz Tiedemann & Girard - Invoices Distribution

Matter No.	Invoice No.	Date	Description	100351.7323	1211.182	Water Acct.
11233.026	234152	07/25/07	Lodi First v. City of Lodi	758.00		
11233.027	234152	07/25/07	Citizens for Open Government v.	58.10		
11233.029	234152	07/25/07	AT&T v. City of Lodi	663.35		
11233.030	234152	07/25/07	Water Supply Issues-Not Pce Related			1,457.00
11233.032	234152	07/25/07	CFD Formation		95.70	
			Credit/Overpayment Applied	(168.00)		
			Total	1,311.45	\$95.70	\$1,457.00

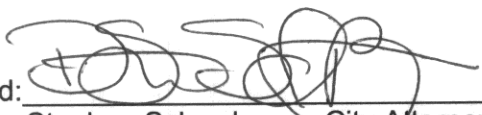
MISCELLANEOUS

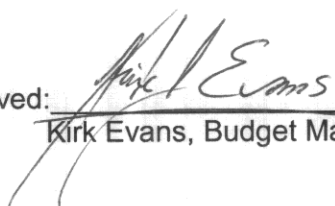
Invoice No.	Date	Description	Water Account Amount
875101	8/1/2007	Harry A. Cannon, Inc.	2,102.82
875801	8/6/2007	Harry A. Cannon, Inc.	1,597.93
876001	8/6/2007	Harry A. Cannon, Inc.	1,004.51
876301	8/10/2007	Harry A. Cannon, Inc.	2,457.23
1331004-100	8/13/2007	JAMS Mediation Services	2,210.42
2099	8/8/2007	Benchmark Video	6,601.50
			<u>\$15,974.41</u>

FISCAL IMPACT: Expenses in the amount of \$1,311.45 will be paid out of the General Fund and \$816.10 billed to Walmart for City's defense of the Lodi First litigation and Citizens for an Open Government. The remaining expenses will be paid out of the Water Fund and the Capital Outlay Fund.

FUNDING AVAILABLE:

Water Fund	\$129,869.63
General Fund	\$ 1,311.45
Capital Outlay Fund (1211.182)	\$ 95.70


 Approved: _____
 Stephen Schwabauer, City Attorney


 Approved: _____
 Kirk Evans, Budget Manager